IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5320 of 2007

Date of Decision: 6.12.2007

Court on its own motion

..Petitioner.

Vs.

Union of India and others

..Respondents.

CORAM : HON'BLE MR.JUSTICE M.M.KUMAR

HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

* * *

Present: Mr.R.S.Cheema, Sr.Advocate with
Ms.Tanu Bedi, Advocate Amicus Curiae.

Ms.Nirmaljit Kaur, Asstt.Solicitor General of India.

Mr.Amol Rattan Singh, Addl.AG Punjab.

* * *

M.M.KUMAR, J.

On 20.8.2007, after hearing learned Amicus Curiae as well as learned Additional Solicitor General of India, we have passed the following order :

"We have heard learned Amicus Curiae as well as learned Additional Solicitor General of India at some length. Both the learned counsel have made a detailed reference to the affidavit dated 16.8.2007. According to the Paras 3 and 4 of the affidavit, the State Emblem of India (Regulation of Use) Rules, 2007 are still awaiting final nod and are likely to be notified in the near future. We have also noticed that according to the proposed rules, which reflect the policy of the Union Government to uniformly regulate the use of the State Emblem in so far as the official vehicles of high dignitaries like Prime Minister and Union Ministers, Cabinet Ministers as well as Ministers

of States in the State and Hon'ble Judges of Hon'ble the Supreme Court and Hon'ble Judges of the Hon'ble High Courts are concerned. In respect of the aforementioned categories, a triangular metal plaque, depicting the Ashoka Chakra (Dharma Chakra) i.e. a part of the State Emblem (Annexure R-3) is to be displayed on their vehicles.

It is hoped that the rules are finalised at the earliest and with that hope, we defer the hearing to 6.12.2007."

In pursuance to the indication given in our order, the Rules have now been notified which are known as State Emblem of India (Regulation of Use) Rules, 2007. Rule 7 makes reference to Schedule II. Item (ii) Part 2 of Schedule II provides that Cars of Hon'ble the Chief Justice of India, Hon'ble Judges of Hon'ble Supreme Court, Hon'ble Chief Justice and Hon'ble Judges of the Hon'ble High Court within their respective territories may display the Ashoka Chakra (which is part of the Emblem). However, this Court has passed a resolution adopting its own emblem partially using the national emblem on the cars of Hon'ble Judges.

Mr.Cheema, learned Amicus Curiae states that this brings the controversy to close and no further directions are required.

After hearing Mr.Cheema, learned amicus curiae and Ms.Nirmaljit Kaur, Assistant Solicitor General of India, we find that with the issuance of notification notifying rules the stand of Union of India has clearly emerged and no further directions in that regard would be necessary at this stage. However, we deem it necessary to clarify that we are not opining on the correctness of the rules which have allowed the use of Ashoka Chakra on triangular metal plaque on the cars of Hon'ble Judges. Thus, the disposal of the instant petition shall not be construed to mean that

we are upholding the afore-mentioned rules. In other words, the question of validity of the rules as well as use of State emblem by Hon'ble Judges on their cars is left open. In view of the above, we close the proceedings in this matter at this stage.

We express our deep gratitude to the learned Amicus Curiae, who has given his valuable time and addressed the Court in all these hearings with all the preparations.

The petition stands disposed of.

(M.M.Kumar)
Judge

(Rakesh Kumar Jain)
Judge

6.12.2007
Meenu